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7/11/03
Patent

Attorney Docket No: ART-00105.P.1.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)

Cheng *et al.*)

Application Number: 09/973,629)

Filed: October 9, 2001)

For: AN INTEGRATED BIOCHIP)
SYSTEM FOR SAMPLE PREPARATION)
AND ANALYSIS)

Examiner: Ann Y. Lam

Group Art Unit: 1641

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir,

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed June 13, 2003, Applicants submit the following election and traverse. Applicants submit this response within one month of the mailing of the Office Action. Thus, this response is timely filed and no fee is deemed necessary.

I. ELECTION

Applicants elect the invention of Group I, drawn to an integrated biochip system. This election is made with traverse.

The above-identified patent application has been examined for restriction purposes only. The Examiner has set forth the following 2 Groups:

Group Number(s)	Claims	Subject Matter
I	1-18	An integrated biochip system
II	19-42	A method of using an integrated biochip system

In the Office Action, the Examiner restricts the claims to two distinct and independent inventions. For the following reasons, Applicants traverse this restriction requirement.

A. Standard for Restriction

The M.P.E.P. (Feb. 2003) sets forth the standard for restriction requirements:

There are two criteria for a proper requirement for restriction between patentably distinct intentions:

- A. The inventions must be independent (see M.P.E.P. §802.01, §806.04, §808.01) or distinct as claimed (see M.P.E.P. §806.05 - §806.05(i)); and
- B. There must be a serious burden to the examiner if restriction is required (see M.P.E.P. §803.02, §806.04(a) - (j), §808.01(a) and §808.02).

M.P.E.P. § 803 (Feb. 2003)

The term “independent” (i.e., not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect, for example: (1) species under a genus which species are not useable together as disclosed or (2) process and apparatus incapable of being used in practicing the process.

M.P.E.P. § 802.01 (Feb. 2003).